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Docket No. 211226US0X  
IN RE APPLICATION OF: ACHIM MARX, ET AL.  
SERIAL NO: 09/938,641  
FILED: August 27, 2001  
FOR: NUCLEOTIDE SEQUENCES WHICH CODE FOR THE OXYR GENE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:  
Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- ☒ Additional documents filed herewith: Attached to the response: Journal of Bacteriology, Mar. 1995, Vol. 177, No. 5, pp. 1275-1284; Journal of Bacteriology, Mar. 1995, Vol. 177, No. 5, pp. 1285-1291 and Deposit Receipts DSM 5715/pT-oxyRexp, 33790 Halle/Künsebeck; DSM 5715/pT-oxyRexp and 33790 Halle/Hünsebeck

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	22	MINUS	38	0	x \$18 =	\$0.00
INDEPENDENT	10	MINUS	12	0	x \$86 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$290 =	\$0.00
		TOTAL OF ABOVE CALCULATIONS				\$0.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
		TOTAL				\$0.00

- ☐ A check in the amount of \$0.00 is attached.
- ☐ Credit card payment form is attached to cover the fees in the amount of \$0.00
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,  
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DOCKET NO: 211226US0X



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
ACHIM MARX, ET AL. : EXAMINER: KERR  
SERIAL NO: 09/938,641 :  
FILED: AUGUST 27, 2001 : GROUP ART UNIT: 1652  
FOR: NUCLEOTIDE SEQUENCES :  
WHICH CODE FOR THE OXYR GENE :

AMENDMENT AND REQUEST FOR RECONSIDERATION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated March 30, 2004, please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.